THE COURTS.

A Sharp Judicial Admonition to Litigants.

ERIE RAILWAY FREIGHT BUSINESS.

A Singular Suit Against a Husband.

Judge Lawrence, of the Court of Common Pleas, In a case brought to trial before him yesterday, took occasion to administer a timely judicial caution to litigants. A letter in reference to the case had been sent him by the plaintiff in the suit. Taking this letter as his text, he characterized such conduct as highly reprehensible on the part of any litigant, and then added that if any suck proceeding was again resorted to he would care that the proper remedy be applied to the party offending. He made this public announcement from the Bench, he said, in order to notify parties that they must not resort to such proceed-

ug in the future. The report of the Commissioners of Estimate and Assessment for the opening of Eleventh ayenue, shove 155th street, was yesterday submitted for confirmation to Judge Lawrence, in Supreme Court, Chambers. Opposition was made to the confirmation of the report on benalf of a number of property owners, the latter claiming that their assessment for benefit after having been once fixed had been filegally increased. Judge Law-

rence reserved his decision.

Joseph A. B. Cleveland was yesterday held for examination by Commissioner Shields on a charge

of selling unstamped cigars.

SUIT BY THE ERIE RAILWAY COM-PANY.

Previous to 1874 the Erie Railway Company managed its freight business through agents, paying such agents regular salaries, as also persons employed by them for many years. Oliver H. B. Archer was one of such agents. In 1866 a change was instituted in the conduct of such freight business. Mr. Archer took a contract to receive and deliver all the freight arriving at the New York terminus of the road, he being paid so much per ton or by bulk. Mr. Archer paid rents of the offices required for his use, as also the salaries of some 1,000 persons employed by him in connection with the reception and delivery of freight. His contract was renewed in 1868 and again in 1873. A A difficulty ensued in the adjustment of freight His contract was renewed in 1868 and again in 1873. A A difficulty ensued in the adjustment of their accounts. Being unable to arrive at an amicable settlement the Railway Company brought suit against Mr. Archer for \$132,000, chaimed to be owing by him at the time of the annulling of his contract. In his answer Mr. Archer sets up various counter claims, aggregating \$440,000, which claims the company owes him. This suit was some time since referred to ex-Judge Mitchell. It is now chaimed on benalf of the company that in order to enable them to properily prosecute this auit there should be delivered to them Mr. Archer's books of account, fliling, it is said, 337 volumes. With a view to obtain possession of these books a motion was made yesteriay in Supreme Court, Chambers, before Judge Lawrence, on behalf of the company, for an injunction restraining Mr. Archer from disposing of the books or mutilating or making any changes in them, and for a receiver to take charge of them. Mr. H. W. Maccalana appeared in support of the motion and Dudley Field in opposition. Voluminous affidavits were read on both sides, after which followed an extended argument by the respective counsel touching the various haw points involved in the motion. The papers read on behalf of the railroad company were mainly in support of the adigation that Mr. Archer was an agent of the company and in no way different from other agents except in the manner of his compensation. The company, were mainly in support of the allegation that the same is essential to the train business. Mr. Archer took a contract to receive and deliver all the freight arriving at the New

for conversion.

At the close of the argument Judge Lawrence took the papers, reserving his decision. SUPREME COURT-SPECIAL TERM.

Before Judge Van Vorst. THE SUIT AGAINST THE NEW JERSEY SOUTHERN

RAILROAD COMPANY. In the suit brought by Daniel B. Allen against the New Jersey Southern Railroad Company a decision was rendered yesterday. The plaintiff, as will be remembered, charges that the Raritan and Delaware Bay Railroad Company was sold out by certain directors, J. Gould, by the way, being one of such alleged directors, in raud of the stockholders, the New Jersey Southern Railroad Company being a purchaser, and, further, that since the saie no meetings have been held or business transacted by the directors of the former company. The case came before this Court on three denurrers to the complaint—first, that it did not show any cause of action against Jay Gould and other directors, which was sustained; second, that the Raritan and Delaware Bay Railroad Company were necessary parties to the action, which was also sustained; and third, that as the suit virtually asked for the dissolution of a New Jersey company the Court had no jurisdiction. This last demurrer is overruled, on the ground that the court has jurisdiction against defendants from whom personal relief is sought. Delaware Bay Railroad Company was sold out by

SINGULAR SUIT AGAINST A HUSBAND. A rather singular case was brought to trial yesterday in this court. Jennie Youngs, twentythree years old, was recently married to Daniel S. Youngs, a widower of fifty-eight, he telling ner at Youngs, a widower of fifty-eight, he telling her at the time that he owned \$150,000 worth of real estate in this city. Three days before the wedding she had the necessary inquiries made, and ascertained this statement to be correct. Subsequent to the marriage site ascertained, as site alleges, that just before marrying her Mr. Youngs conveyed all his property to his two daughters by his former wife. She brings suit to set aside that conveyance as a fraud on her, depriving her of her inchoate right of dower. The two daughters are also made delendants in the suit. A question was raised as to the validity of bringing such an action, and, pending a decision on this point, the case was adjourned until this morning without going into the evidence, which, it allowed, will doubtless be of a decidedly interesting character.

DECISIONS.

SUPREME COURT-CHAMBERS.

By Judge Lawrence.
Culkin vs. Kunne.—Auditon for reference granted;
motion for leave to file supplemental answer
granted; motion for leave to move to vacate injunction granted. See memorandum.
Hamilton vs. Crabe; in the matter of Keller; Bache vs. Goebel. — Memorandums for counsel. Reid vs. Martin. — Motion denied, with costs.

SUFREME COURT-SPECIAL TERM. By Judge Van Vorst.
Rose vs. Wood.—Judgment for defendant on demurrer. See opinion.
Allen vs. New Jersey Southern Railroad Company et al.—See opinion.

SUPERIOR COURT—SPECIAL TERM. By Chief Justice Monell. Holbrook, receiver, &c., vs. Orgier.-Findings

settled, COMMON PLEAS - SPECIAL TERM.

By Judge J. F. Daly. Freedman vs. Stuart et al.-Motion granted.

COMMON PLEAS-TRIAL TERM-PART 2. Before Judge Joseph F. Daly.

TOMBSTONE LITERATURE IN COURT. Daniel C. Birdsall brought suit against Moses Mehrbach to recover the value of a plano and four oil paintings, taken by the defendant under an attachment and execution issued by the Marine attachment and execution issued by the Marine Court against Mrs. Birdsait for \$900, three months rent of No. 16 University place. Plaintiff claimed that the paintings were copies of a Murillo and Titiens—a "Madonna," "Judith and Head of Hollofernes," a "Syoli" and "Belladionna," and that they were his property, and not that of his wife. Damages were laid at \$3,000. Several foreign artists and restorers of pictures were examined as to the value of the paintings, seme assessing the value at \$2,000, while others said they were not worth more than from \$200 to \$400. The case occupied the Court two days. After defendant's counsel had summed up the parties came to a settlement, the plane to be given up to plaintin and the de-

fendant to retain the pictures for three years, when, on payment of the \$900 due by Mrs. Burdsall, the pictures are also to be returned. Judge Bay, in ordering a juror to be withdrawn, said that the termination of the case remined him of an epitaph on the headstone of a child a day and a half

If so soon I was to be done for, I wonder what I was begun for. Judge Daly then told the jury that they might consider this his charge in the case.

COURT OF GENERAL SESSIONS. .

DISCHARGED BY THE GRAND JURY. In the Court of General Sessions, before Recorder Hackett, this morning, Mr. A. Oakey Hall called attention to the fact that be understood the com-plaint made by Mr. Bergh against Henry C. Bab-cock was discharged by the Grand Jury, and he (Mr. Hail) having received an intimation that the prosecution would take another shape, he moved that the fact of Mr. Babcock's discharge be en-tered upon the minutes of the Court.

His Honor said that such an order was made when the complaint was dismissed by the Grand Jury.

THE ADMS EXPRESS ROUSES attention to the fact that he understood the com-

THE ADAMS EXPRESS ROBBERY. Mr. Hall then moved that the ball fixed by the magistfate in the sum of \$10,000 upon an in ment against Joseph Ehrich for receiving stolen money be reduced to \$2,500. It is charged that Ehrich received gold and a large quantity of bonds, the proceeds of the robbery of a safe belonging to the Adams Express Company. The counsel claimed that the bail was excessive, and that the only proof against the accused was the statement of the thier who stole the money. Assistant District Attorney Russell opposed the motion, stating to the Court that he had proof to corroborate the alleged thief, and in addition to that there were a large number of old indictments against Ehrich. Mr. Hall replied that he predicted when the case came to trial the evidence against his client would be so weak that the District Attorney would abandon the prosecution. The Recorder took the papers and reserved his decision. ment against Joseph Ehrich for receiving stolen

THE METROPOLITAN THEATRE CASE The trial of Martin Campbell, who is jointly in dicted with three or four men and about twenty "young ladies" for the technical offence of "keeping a disorderly house,?" or, in other words, the

ing a disorderly house, or, in other words, the performance of what is known as the "Cancan" at the Metropolitan Theatre, was commenced yesterday. It is claimed that Campbell is the proprietor. Captain McDonnell was the chief witness called by Assistant District Attorney Noian. He gave a minute description of the performance of the Cancan.

At the conclusion of the Captain's testimony Mr. Howe moved for the discharge of the lemaic delendants, numb ring eighteen, on the ground that they were only actresses.

His Honor granted the motion and released them from custody. A few remained in court to appear as witnesses for the defendant Campbell. After the recess the trial of Martin Campbell was resumed. Officers Mulligan, Murphy and Halen, who were present during the performance of the Cancan, described the indecent exhibitions of the dancers and regited the gross remarks of actors and some of the boys in the andiench.

When the Assistant District Attorney closed-his case Mr. Howe moved for the discharge of the defendant on the ground that the evidence lailed to meet the requirements of the statute defining what is a disorderly house.

The Recorder declined to accede to the proposition of the counted, and said he would leave it for the jury to say whether the performance in question was an outrage upon public decency or not. Mr. Howe then proceeded to open the case for the defence, and in the course of his address to the jury said that the alleged indecent and immoral performance was not any more so than the "Black Crook" and "Henry V.," now being played at Booth's Theatre. The counsel said he would call the statisfied that when they gave their evidence the prosecuting officer would not ask for a conviction of the defenced upon their verbal recognizances that they would appear on Monday, when the case will be concluded.

EMBEZZIEMENT.

Adolph Bannin pleaded guitty to the crime of

EMBEZZLEMENT. Adolph Bannin pleaded guitty to the crime of embezziement, in having on the 19th of January appropriated to his own use a check for \$45, which he received from Mis. Beringer in payment for a bill for meat due to Isaac Meyer, the employer of the prisoner. Bannin wassent to the State Prison for three years and six months.

FORGERY. Charles F. Stearns, alias Frank W. Frothingham, against waom were three indictments, pleaded guity to one for forgery in the third degree, charging him with forging, on the third degree, charging him with forging, on the lefth of December, a cueck upon the Westellester County Bank for \$300. It was made payable to the order of E. R. Hall and purported to be signed by D. F. Clapp. Sentence was deferred.

BURGLARIES AND LARCENIES. A plea of guilty was accepted from John B. Poy. who was charged with stealing a trunk contain

who was charged with stealing a trunk containing wearing apparel, valued at \$69, the property of John F. Caspers.

Thomas Bracken pleaded guilty to an attempt at burglary in the third degree, the allegation being that on the 4th of tais month the prisoner entered the apartments of Philip Hearigel, No. 318 West Thirty-eighth street.

Henry Havnes, who was indicted for burglariously entering the liquor store of Henry Knet. No. 239 William street, on the 6th inst, and stealing \$5 in copper coin, pleaded guilty to an attempt at burglary in the third degree. He was sent to the Penitennary for two years and six months. PETIT LARCENY.

Joseph Bass, charged with stealing two watches. valued at \$30, the property of Thomas Teagh, BOY BURGLARS.

James Robinson and Albert Regan (boys) pleaded guilty to breaking into the store house of James M. Titus No. 48 Morton street, on the 30th of March last and stealing \$50 worth of tools. They were sent to the Catholic Protectory.

TOMBS POLICE COURT. Before Judge Kiloreth. MASKED ROBBERS.

About eight o'clock on Thursday evening three thieves, all masked, entered the room of Samuel Burrow, at the Franklin House, and seizing Mr. made their escape, but one of the supposed rob-

made their escape, but one of the supposed roboers was subsequently arrested by Officer
O'Conner, of the Sixth precinct. He gave his
name as Daniel Tultord. Justice Kilbreth held
him for examination.

At an early hour yesterday morning three
boys, named Henry Smith, John McGinnes and
Frederick Studer, were arrested in the act of
breaking into the premises of Edward Seibert,
at No. 136 Elm street. They had a large quantity
of the most approved burgiars' tools in their possession, and when brought to Court they stated
their only regret was they had not succeeded in
breaking into the piace. They were held in \$1,000
ball each to answer.

JEFFERSON MARKET POLICE COURT. Before Judge Kasmire. DEFINING THE RIGHTS OF MR. BERGH'S OFFI-

CERS. On the 21st day of November, 1874, Timothy Keny, an officer of the Society for the Prevention of County to Animals, arrested Joseph Bailey, proprietor of a well known cider press on Broadway, and caused him to be arraigned before Judge Kasmire on a charge of cruelty to a dog, which was used to work the press in Bailey's establishment. A carciul examination of the testimony satisfied the Judge that fiailey was innocent, and the accused was accordingly discharged. On the 4th of becember following Ealley preferred a complaint against Kelly, whom he charged with having arrested him without authority of law, and in thermore, with having assaulted him with a deadly weapon. Coursel appeared in behalf of both parties, and the importance of the issue, affecting as it does the entire community, a great portion of whom are frequently brought into unpleasant relations with Mr. Bergh's society, determined Judge Kasmire to give the subject a full and thorough examination. The proof as to Kelly's exhibiting and pointing a pistol at the time of the arrest was not satisfactory, and the Judge therefore dismissed the charge as to a felonious assanit, but heid Kelly to answer for a simple assault. The grounds of his decision are set forth in an elaborately written opinion, accompanied by numerous citations, but which may be summarized briefly—first, he holds that at the time of the arrest kelly had not been legally and in due form "uesignated by the Shellf of the city and county of New York" to make arrests under the law of 1867, more laminarly known as the "Cruelty to Animais act." He had, it is true, an appointment as special deputy sheriff, but had not been designated for the special purpose of that act. Not having been se designated he was guity of a trespass in arresting balley, and must abide the consequences. The Judge further holds that the evidence produced before him not only ialls to show probable cause for the arrest, but in his judgment establishes Bailey's innocence of the misdemeanor charged. The witnesses examined proved that Bailey was not committing an act of cruelty upon the dog when apprehended by Kelly. However, even were there a coior of circumstances to sustain an honest belief on the part of Kelly that the law was being violated, he cannot escape "hisblitty to answer for a trespass." The Judge concludes:—"I therefore cannot say, in ment. A careful examination of the testimony satisfied the Judge that Sailey was innocent, and

MISSED HIS WATCH AND CHAIN. During Thursday night Captain John A. Meeks, captain of the night watch in the Custom House, ner of Broadway and Thirty-first street. When he awoke he found that his gold watch and chain were missing. He informed the police of his loss, and a short time alterward Michael McNaily, a brakeman, was discovered offering the watch and chain for sale at the Grand Central Depot at a ridiculously small price. He was committed for trial in default of \$2,000 ball.

HARLEM POLICE COURT. Before Judge Morgan.

A GANG OF YOUNG THIEVES BROKEN UP. John McCord, Bernard Gorman, William Conrey, John Gurney and John McKnight, all youths, and members of the "Mohawk Club," having their headquarters in Seventy-ninth street, whose ar-rest was yesteruay reported in the Herald, were arraigned for examination. All were committed.

BROOKLYN COURTS.

A REMARKABLE WILL CASE—A QUARREL OVER EIGHT HUNDRED THOUSAND DOLLARS. A very remarkable will case, which has occupied the attention of the courts for the past eight years, was settled for the present yesterday by a decision of Judge Barnard.

About eight years ago Mr. Joseph K. Brick, a About eight years ago Mr. Joseph K. Brick, a well-known inventor and the founder of several gas companies, was taken ill, and went to the Hot Springs, in Arkansas, where he died, leaving an estate of over \$800,000 exclusively to his wife, Julia Brick. The relatives of the doctased, when they learned the provisions of the will, and found they had been cut off without a penny, resolved to contest it.

they had been cut off without a penny, resolved to contest it.

Mr. Samuel Brick, of Philadelphia; Mr. Edward R. Brick, a carpenter, of Michigan, who are brothers of the deceased, and Martha R. Winchester, a sister, contested the will, oringing an action against Julia Brick, the widow of the deceased, to have it set aside, and employed Judge Nosh Davis to secure what they considered their rights.

ceased, to have it set aside, and employed Judge Nosh Davis to secure what they considered their rights.

The contestants claimed that the deceased was a hypochondriac, believing that he was afficted with all sorts of diseases; that he was not in his right mind when he made the will, and was, furthermore, under the restraining influence of his wile. They contended that had it not been for the control which Mrs. Brick held over him he would have divided his property equally between his nearest relatives. The contest was commenced and continued from time to time, and the printing up to the present time has cost over \$3,000. The deceased owned some valuable dweldings in Brooklyn, besides 10,000 acres of land on the Atlantic coast in New Jersey and a valuable clay bank. He was the first man in this country to introduce the clay retorts in the gas houses, and a large company, bearing his name, is now carrying on the business of manufacturing these retorts in Brooklyn. He was the builder of the gas works in Brooklyn, the gas works in Savannah, the gas works in Georgia and other places, and was considered one of the best engineers in the country. Mrs. Julia Brick, the widow of the deceased, resides in one of the handsome dwellings left herey ner husband, in Lafayette avenue, near the Rev. Dr. Buddington's church. She employed Mr. William M. Ingranam to defend the suit, and vesterday Judge Baruard rendered his decision, confirming the decree of the Surrogate, and admirting the will carry the case to the Court of Appeals, and is not success ut there will carry it fo the United States Supreme Court.

THE MURDER OF MRS. GAMBLE—APPLICATION FOR A NEW TRIAL OF MICHAEL MURPHY.

An application for a new trial in the case of

An application for a new trial in the case of Michael Murphy, tried and convicted for the murder of Mrs. Hojus Gamble, in Nanuet, Rockland county, was argued at length in the Supreme Court of Kings county yesterday. In the evening Court of Kings county yesterday. In the evening of Sunday, April 19, 1874, a shot was fired into the window of the house of Mr. Gamble, in Nanues, in the above named county. The effect of the snot was to so seriously wound the wife of Mr. Gamble, Mrs. Hujus Gamble, that she shortly after died. Gamble and a girl in the room were also wounded. Subsequently Michael and Thomas Murphy were arrested by detectives from the Pinkerton Detective Bureau, and Michael was, by Pinkerton, it is alieged, induced to coniess that he had fired the shots. Judge Barnard, who presided at the trial, charged the jury that, it having been proved that the Murphys had been seen in New Jersey at a late nour of the Sunday the murder was committed it was physically impossible for them to have been present in Nanuet at the hour the shot was fired (eight P. M.), and that, therefore, they could not have been the murderers. Notwithstanding this and other evidence of a character that was décidedly favorable to the prisoner, Michael, who was tried separately, the jury found a verdict of murder.

COURT OF APPEALS!

No. 113. Ellen O. Riller, respondent, vs. The Guardian Mutual Life Insurance Company of New York, appellant.—Argument resumed and connded. No. 69%. The Waverley Paper Mills, appellant, s. Wheeler H. Bristol and another, respond-nts.—The case was submitted for appellant last erm.

No. 98, Henry V. Poor, respondent, vs. Henry C. No. 98. Henry V. Poor, respondent, vs. Henry C. Bowen, appellant.
No. 20. La Mott Thomson, respondent, vs. Ed. H. Tracy and another, executors, &c., appellants.
No. 120. The Gutta Percha and Rubber Manufacturing Company vs. William A. Torrey, impleaded, &c., appellant,—On motion of George W. Poucher, of counsel for respondent (no one appearing for appellent) judgment was affirmed with costs.
No. 125. Jos. Campbell, appellant, vs. Phitemon Borch, respondent.—Submitted for appellant, and argued by W. F. Cogswell, of counsel for respondent.
Adjourned to Monday, February 15, at ten A. M. DAY CALENDAR.

DAY CALENDAR.

The following is the day calendar for Monday, February 15:—Nos. 75, 126, 1, 97, 116, 129, 131, 132, and 133.

UNITED STATES SUPREME COURT. WASHINGTON, Feb. 12, 1875. 186. Lewis vs. Hawkins and Haunter-Appeal from the Circuit Court for the Western District of Arkansas.—Lewis sold land in Arkansas to Hawkins and took two notes in part payment, giving a bond to make title on the payment of the notes. Subsequently Hawkins sold to the husband of Hannter and afterward failed to pay the notes to Lewis. Judgment having been recovered on these, it is now sought to make it a lien on the on these, it is now sought to make it a lieu on the land for the purchase money. Hawkins pleaded bankruptcy against any decree, and Haunter pleaded the statute of immitations of the State. The Court held that as the bond for little was never recorded it conveyed no legal interest to Hawkins, but only an equity with the right of possession, and that on the failure of Hawkins to pay the notes, the bonds were for letted and Lewis was entitled to possession. The estate, therefore, being vested in Lewis, he could have no lien on that which is his own. Having failed to regain possession, he cannot now avoid the statute bar by setting up a lien for the purchase money. This decision is assigned as error. chase money. This decision is assigned as error. Cause submitted on the printed met. A. H. Gar-land for appellant; Pike & Jonnson for appellees. Cause submitted on the printed wiel. A. H. Garland for appellant; Pike & Jonnsöl for appellees.

No. 189. Connoyer et al., vs. Schaffer—Error to the Supreme Court of Missouri.—This was an action of ejectment to try title to a lot of rand in St. Louis, which had been confirmed to one Mrs. Dodier and her legal representative, by act of congress of July 4, 1836, confirming the reports of the Board of Commissioners appointed under the acts of 1832 and 1833. The plaintiffs claim as heirs of the widow, asserting that the property innred to the benefit of those showing themselves to be representative as heirs of assignees. The defendants claim as heirs of one Lobennine, to whom they urge the land was confirmed, or to whose benefit the confirmation inured as the claimant before the Board of Commissioners, and also to a part of the premises under a confirmation to one Cene. The decision was for the defendants below and here, the Court ruling that all confirmations by the Commissioners under the act of 1832, and confirmed by the act of 1832, were confirmed to the persons presenting the claim to the Hoard; that as between two confirmes the one in possession has the better title, and cannot be evioted although the plaintiffs have the equitable title from the Spanish government and a legal title from the Spanish government and a legal title from the Spanish government and for plaintiffs, Glover & Shepley for defendants.

No. 190. Govinzel vs. Crump et al.—Error to the Circuit Court for Virgima.—This was an action on a signed as error. Wattlesy & Cunningnam for plantiffs, Glover & Shepley for defendants.

No. 190. Govinzel vs. Crump et al.—Error to the Circuit Court for Virginia.—This was an action on a bond secured by real estate to secure a joan to the defendants in error. The loan was made at Richmond, Va., in 1863, and was not to mature until the close of the war, and was not to near interest meantime, nor was it to become due at the close of the war until demand was made by Govinzel or his representatives. There was also a provision in the bond that the loan might at any time be tendered to the plaintiff or his attorney in fact, in the city of Richmond, and to no others, and only these. The money loaned was Confederate notes, or other like funds, then bankable in Richmond; but this fact did not appear in the bond or deed of trust, being proven below by other evidence. Two

bartery, and the charge of felonious assault is hereby dismissed."

WOOSTER STREET PERILS.

James Garber, of No. 307 Mott street, was enticed into the house of Louisa Smith, at No. 162 Wooster street, on Thursday night. A dispute arose as to an indebtedness of fifty cents, charged to Garber, and on his refusal to pay Louisa and her sister minnte took summary measures to collect the claim. The cries of Garber brought officer Johnson, of the Eighth precluct, who rescued him from the inturiated Amazons and arrested his assailants. The prisoners were held by Judge Kasmire in delault of \$1,000 each for trial.

FIFTY-SEVENTH STREET COURT.

Before Judge Murray.

MISSED HIS WATCH AND CHAIN. Wells for appellant. S. F. Beach for appellees.

No. 187. Stephen vs. Bealt et al.—Appeal from the Supreme Court of the District of Columbia.—This is an appeal from a decree holding that where a trustee sells lands, taking notes for a portion of the purchase money secured by deed of trust on other property, and the notes not being paid at maturity resells the lands at the cost of the purchasers, charging them with the difference in price, cannot himself after ard purchase the lands from the second purchaser bona fide for full consideration, and that such a purchase by the trustee vitiates the second sale; also holding that a married woman may mortigage her separate estate to secure the debts of her husband. T. T. Crittenden for appellant, R. T. Merrick opposed.

SOLDIERS IN REBELLION.

A CRACK COMPANY WHICH DID NOT WANT THEIR LAURELS STOLEN-THE EMEUTE IN THE EIGHTY-FOURTH REGIMENT N.G.S.N.Y.

The announcement of a revolt on the part of Company E (Captain Head) of the Eighty-fourth regiment, N.G.S.N.Y., of which Colonel P. C. Conkling is the commandant, and the calling in of the police force of the city, appeared in the Herald yesterday. The details of the case were not covered in yesterday's papers and consequently a representative of this journal endeavored to "sound"the emeute, and with that aim yesterday called at the quarters of the derenct company. Captain Head, the Acting Adjutant and the Lieutenant Colonel commanding were not present, but the Major of the regiment, Mr. Conklin, volunteered to state all he knew as to the difficulty. From him it was ascertained that on Thursday evening the regiment had

at the State Armory, corner of Seventh avenue and Thirty-flith street. The various companies assembled according to orders, and, before the formation of the line, Acting Adjutant Colling, on behalf of the Lieutenant Colonel commanding, detailed four files from Company E to equalize the companies. The Captain declined pointely to complay, assigning as a reason that his company was a very large one, and he did not wish to "break" it to fill other companies. This explanation did not suit the Lieutenant Colonel commanding, and he at once removed from Company E the necessary men to equalize the companies. When this action was taken

ing, and he at once removed from Company E the necessary men to equalize the companies. When this action was taken

THE COMPANY AT ONCE STACKED ARMS, and remained during the drill quiet spectators of it, although the Major reports Captain Head endeavered to induce them to submit to superior orders. When the drill ended, about haif-past nine P. M., Lieutenaat Colonel Beattle instructed Captain Head to remove his command to the company quarters at the regimental armory is Fourth street, near Broadway, and to confine his men to treet, near Broadway, and to confine his men to do the company quarters. This is a'l the Major professed to know of his own knowledge of the broable; but, in answer to the request of the reporter to know under what authority the commandant of a regiment could detail men from a full company to fill the depicted ranks of an interior one, the Major called the reporter's attention to section 365 of "Upton's Revised Tactics," page 149, which declares that, "For manœuvres the bat alion is generally divided into an even number of companies, and the companies are equalized by transferring men from the larger to the smaller."

Major conkin stated that, under General Order, No. 11, dated April 25, 1874, issued from the office of the Adjutant General of the State, Upton's "Tactics and Ruies" had been adopted as the authority for the government and discipline of the Matonia Guard of the State; but in the absence of the Adjutant of the regiment, who is the custodian of all orders, he could not give the representative

the Adjutant of the regiment, who is the custodian of all orders, he could not give the representative of this journal a copy of the order.

of all orders, he could not give the representative of this journal a copy of the order.

Lieutemant Colonel Beattle was visited at his office, corner of Thirty-fourth sirect and Broadway, between two and three o'clock yesterday afternoon, and the

SENTIMENT OF THE MAJOR

WAS read to him, when he stated that after the command was turned over to him by Acting Adjustant Colling, lieutenant of Company H, he (Colonel Beattle) informed Captain Head that he would give him two minu es to form his company, with the alternative of going to Ludiow Street Jail. "The company," said Commandant Beattle, odd not comply. I knew Colonel Conkling, commanding the brigade, with his staff, was to be present to review his old regiment, and consequently I acted upon his suggestions to confine them to their company querters. On taking this action I ordered Captain Head to report to me at the Fourth street armory at a quarter plast ten o'clock. I repaired there and the company arrived there soon after. Captain Head was then ordered by me to confine his company to their quarters in the armory. He ricided a ready compliance, although evidently.

Later I was informed by an officer of the regiment that the friends of the company outside of the building were discussing the propriety of collecting a sufficient force to relieve them from confinement. In consequence of this information I was constrained to call for the police to preserve order and prevent a breach of the peace. I lett for home, after having divested myself of my uniform; but finding the night very coid, and remem-

order and prevent a breach of the peace. I leit for home, after having divested myself of my uniform; put finding the night very cold, and remembering that there were no fires in the armory, I returned and ordered Captain Head fo dismiss his command to their homes, and I ordered him to report to me this morning, giving the roll of his company. At the same time I removed the police detail from the building. I ordered the Captain to report to me to-day, but up to this hour '(ten minutes to three P. M.) he has not compiled."

Colonel Beautie, in answer to a question, stated that in the entire proceedings Captain Head displayed

played

A DESIRE TO OBEY ORDERS,
and when the company objected to detail for
equalization called for volunteers. In answer to
an inquiry as to his future action Colonel Beattie
said:—"I propose to place Capitain Head in arrest,
and rejort my action to the commandant of the
brigade and ask for a court martial to try him."

THE NATIONAL GUARD.

The following named officers have been commissioned in the National Guard, State of New York, during January, 1875:-

Inspector General's Department—Assistant in, Licu-lemant Colonel John G. Fay, original, Fourth Division—Major Orin C. Frost, Aide-de-Camp, tenant Colonel 1971 G. Fay, Ordinal.
Fourth Division—Major Orin C. Frost, Aide-de-Camp, original.
First Brigade—Major Robert Lennox Belknap, Inspector, vice Hail, résigned; Major Charles Watrous, Enginer, vice Belknap, promoted.
Eighth Brigade—George Parker, Brigadier General, vice Beech, tesigned.
Ninth Brigade—Lieutenant Colonel John S. Dickerman, Assistant Adjutant General, vice Gould, deceased; Major Henry C. Littlefield, Inspector, vice Van Zandt, res gned; Major Hiram L. Washburne, Jr., Judge Advocate, vice Littlefield, promoted.
Sixteenth Brigade—Lieutenant Colonel Charles H. Van Brakle, Assistant Adjutant General, original; Major Charles Waite, Jr., Enginer, vice 'Lasse, promoted.
Separate Proop Cavalry, Twenty-fourth Brigade—Henry D. Randall, Second Lieutenant, vice Mattae, resigned.
Battalion Artillery, Twenty-fifth Prigade—Henry S. Redman, First Lieutenant, vice Mattae, resigned.
Battalion Artillery, Twenty-fifth Prigade—Henry S. Redman, First Lieutenant, vice Mattae, resigned. Robert Stierly, Second Lieutenant, vice Redman, promoted.

Second Battallon—James Dond, Second Lieutenant, vice Miller, promoted: First Lieutenant Franklin H. Read, Adjutant, original: First Lieutenant John Miller, Quartermaster, original: First Lieutenant John Miller, Chapisin, original: Major Rufas E. Belding, Surgeon, original.

Tenth Regiment—Henry F. Dunn, First Lieutenant. Vice Lindsay, resigned; First Lieutenant Charles E. Mosley, Adjutant, vice fiun, resigned.

Eleventh Regiment—Gronge Guthell, Second Lieutenant, vice Gross, promoted.

Twelfth Regiment—William C. Reddy, Captain, vice Jones, resigned. Bisventh Regiment—deorge Gutheil, Second Lieutenant, vice Gross, promoted.
Twelth Regiment—William C. Reddy, Captain, vice Jones, resizued.
Thirkeen the Entity of the Control of the Cont

OUR NEEDY CHARITIES.

Comptroller Green's Refusal to Pay Their Just Claims.

Meeting of the Representatives of Charitable Institutions-The Comptroller Waiting for the Opinion of the Corporation Counsel.

An adjourned meeting of the representatives of the various charitable institutions affected by the action of the Comptroller in refusing payment of which they consider themselves legally entitled, Messrs. Develin, Miller & Truil, No. 115 Broadway, Mr. Erastus Brooks, representing the Nursery and Child's Hospital, presided. Among those present were Mr. Meyer Stern, President of the Hebrew Orphan Asylum; Henry L. Hognet, President of the Catholic Protectory; Mrs. S. M. Ambler and and Home of the Friendless; Mr. A. R. Wetmore of the Juvenile Asylum; Mrs. L. M. Bates and Mrs. Wilson M. Powell and Mrs. David Wetmore, of the In:ant Asylum; Mr. C. D. Adams, of the Juvenile Asylum; Mr. Edgar S. Van Winkle, of the Nursery and Child's Hospital; Rev. Edward Cowley, of the Children's Fold; Mr. John E. Develin and B. Casserly, of the Catholic Protectory ; Augustus Schell, of the Asylum for the Blind; George W. Wingate, of three different societies, and others. THE COMPTROLLER'S REPUSAL.

Mr. Brooks opened the meeting with a statement of the object, for which it had assembled. He said the Comptroller had refused to pay certain moneys to which twenty-three of the charitable institutions of the city were entitled, and which had been appropriated in the usual way by the Board of Apportionment. The Comptroller's opinion on the legality of these payments was certainly a peculiar and isolated one, and he (Mr. Brooks) knew that it was not concurred in by any of the other authorities at the City Hall who controlled the disbarsing of the municipal funds. The Comptroller based his refusal on the tenth and eleventh sections of the amended constitution, which forbade the paying or loaning of money to corporations or associations, but as a member of the Constitutional Convention he (the speaker) was not aware that it had any such meaning, an he lelt sure that if the people had ever dreamed that these two sections were capable of such an interpretation they would never have approved them. Now, the object of this gathering was to take such action as would vindicate the rights of the charities here represented, and it was for them to say what this action was to be.

them. Now, the object of this gathering was to take such action as would vindicate the rights of the charities here represented, and it was for them to say what this action was to be.

He was glad to say that the Comptroller had not gone so har as to declare that he would persist in his refusal in the face of proper legal advice, and he boped that when the Comptroller received this legal advice he would take the course approved by almost all the lawyers to whom the question had been submitted—and among them were some of the most eminent members of the Bar—and satisfy these just claims. Mr. Brooks thought it would be unfortunated they would have to go to Albany to ask the Legislature to pass a new law for them, and that in that case their common purpose might be defeated. The whest course would be to take their stand on the present law, which applied to them before the constitutional amendments exactly as it did now.

Rev. Edward Cowley asked whether it would not be wise to bring a test case before the courts. He agreed with Mr. Hr oks that it would not be wise to bring a test case before the courts. He agreed with Mr. Hr oks that it would not be remained to a new law. He thought that if some of the institutions were in the habit of presenting their per capita bills monthly, the remain of the comptroler to pay such a bill for January might be brought as a test case before the courts. Is a New Law Necessary?

The objection was raised to this proposition that the money for 1875 not being yet actually raised, the Comptroler could not be compelied to pay this allowance. To this it was replied that all the money for 1875 not being yet actually raised, the Comptroler could not be compelied to pay this allowance. To this it was replied that all the money for 1876 not being yet actually raised, the Comptroler could not be compelied to pay this allowance. To this it was replied that all the money for 1876 not being yet actually raised, the Comptroler could not be compelied to the receive and the was also the rew law pays

at the time the Constitutional Convention was in session be showed Mr. Kernau that the very existence of these charitable institutions depended upon the absence of any provision in the amendments that might be constructed to forbid their percapita allowance.

Mr. Van Winkie argued that it could not have been the intension of the framers of the constitutional amendments and of the people to repeal the laws on this subject when they declared, in an additional clause, that the amendments should not interiere with any provisions that might be enacted in the luture.

interiere with any provisions that might be enacted in the future.

Green waiting for an "opinion."

Mr. Develin said that it must be borne in mind that the Comptroller had not positively refused to pay the money, but that he had deserred his decision until he had received the opinion of the Corporation Counsel about it and was told by him that his opinion would positively be handed to the Comptroller on Monday morning. He would not believe that the Comptroller, after having put off respectable gentlemen with the excuse that he must wait for the opinion of the Corporation Counsel, would still persist in his refusal, it this opinion should be a favorable one, which he hoped it would be. However, he had been told on high authority that even if the Comptroller, acting upon that opinion, would be willing to pay the money, some men, under the leadership of Mr. Dexter A. Hawkins, were preparing to take measures to preventlist doing so.

Mr. Houset, asked whether the opinion of the

is doing so. Mr. Hoguet asked whether the opinion of the

Mr. Hoguet asked whether the opinion of the Corporation Counsel would only embrace the question of legality, as viewed from the appropriation of the Supervisors for 1875 7 In that case they would be in exactly the same embarrassment a year hence.

Mr. Develin replied that Mr. Smith had assured him the opinion would not rest upon that ground alone, but dispose of the whole question.

Messra. Van Winkle, Hoguet, Brocks, Wetmore, Schell and Bates were then appointed to wart upon the Comptroller on Tuesday morning to learn his decision. The meeting then adjourned until Tuesday next.

THE WORTHY CHARITY.

APPEAL FROM THE STATE CHARITIES AID ASSOCIA-The following appeal has been issued and de-

serves the attention of the charitable:-

serves the attention of the charitable:—

The State Charities Aid Association was organized in May, 1872, to insure a more faithful and efficient administration of the pauper system of the State of New York, and, atterward, to improve the system itself through legislative action based upon the alleviation itself through legislative action based upon the alleviation of suffering and the reduction of pauperism.

To accomplish these ends it proposes to form an enlightened public opinion, principality by means of the organization of visiting committees throughout the State for the public institutions of charities and for the recipients of out-bor relief, such committees and for the recipients of out-bor relief, such committees of their own communities through their ability and purity of character.

Working in oc-persition with State and local conflicts, these committees at a stadying the progenies of pauperism continually presenting themselves.

Twenty-six local committees, with nearly 1,000 members, are already organized, and we hope to extend these organizations throughout each of the sixty counters of the state.

The association of all poorhouses are ruiseas to children. About the children at figures is insisted are now in charge our for intoxication, delauchery and other officies. We advocate finding homes in families for children of sound minds and bodies, rather than gathering them in institutions.

In Queens county the atroclous system of farming out the paupers to the lowest bidder has been broken up through the exertions of our local countities.

In the improvement of many of the city and county poorhouse hospitals much remains to be done. Knives and lorks and other desirable table furniture, "special diet" and auditional sheets and towers have been involuced. We advocate temporary one story pavilion wards as the best hospitals for the recovery of the siek, and the most economical for the taxpayers.

Our association has established at sellevue Hospital a training school for nurses, which at presenteovers nine wards, and it is proposed to eventually extend it over the entire nospital.

Another branch of our work has been the collection of books, magazines and newspapers for distribution among the public institutions of charities. Our last report speaks of 5,000 sent to twenty-one different institutions.

lions. Mich attention is being given to the question of what is the best treatment for acult able-bodied paupers. The committees of suffolk, Queens and Hichmood countries are earnessly endeavoring to solve the problem. In one almshouse oil idle women were reported, all of them able to work.

Ten of our branches have added the outdoor relief work to their original plans. Auburn has eighty videors, lochester nearly (b). Both critis are districted. Newburg bacins thus mouth. The avracuse committee

Fwentieth street.

Please specify whether the amount given should be actnowledged as a donation or as an annual subscription.

LOUISA LEE SCHUYLER, President.

A. W. VAN RENSSELZER, Corresponding Secretary.

EDITH G. PUNNAN, Secretary.

JOHN CROSNY BROWN, Treasurer.

sorer.
Charles O'Conor.
E. H. Chapin, D. D.,
Lovi P. Morton,
Miss E. E. Russell,
Austin Flint, M. D.,
Miss Janes Stuart Woolsey,
Edward McGlynn, D. D.,
Mrs. M. Minturn,
William Adams, D. D.,
Mrs. D. My Lang,
Theo. Roosevelt. E. A. Washburn, D. D., W. H. Van Buren, M. D., Miss Ellen Collins, Dorman B. Paton, Mrs. Joseph Hobson, Mrs. Joseph Hobson, Francis A. Stout, Mrs. N. P. Hosack, Charles A. Joy, Mrs. Cyrus W. Field, C. R. Agnew, M. D., Mrs. Ethan Allen, New York, Feb. 10, 1875.

ST. JOHN'S GUILD RELIEF FUND.

The following additional contributions have been received by the Rev. Alvah Wiswail, Master of St. John's Guild, and paid over to Andrew W. Leggat,

Almoner:

THROUGH THE NEW YORK HERALD.
H. H. Benedict.
H. A. N. G.
Rye.
Willie and Lallie H.
Lattle Josie arriers of the General New York Post Office.... S. L.
F. E. S., \$6 gold; sold for.
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"Feed the poor and ciothe the naked"...
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Married Circle Cash.
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Sympathy for the suffering poor.
Anonymous
Charles Merritt.
C. S. W.
J. J. L. "Special".
Providence
E. S.

Grand total \$6,827 41
Contributions are earnestly solicited and may be sent to the Herald office or to the Roy. Alvah Wiswall, Master, No. 52 Variot street.
The following generous offers have been received by the Rey. Alvah Wiswall, Master of St. John's Guild:— FOR ST. CARNES COUNTY CONTRIBUTION.

oeived by the Rev. Aivan Wiswall, masser of ond John's Guild:—

An amateur vocal and instrumental concert, under the management of Mrs. David Dudley Fleid, Mrs. J., Marion Sims, Mrs. Alexander, F. Sterlins, Mrs. John D. Townsend and several other well known ladies, will be given at De Garmo Hall, corner of Fifth avenue and Fourteenth street, on Friday evening, the Lith inst, in aid of St. John's Guild. Some of our best amateurs have volunteered their services, and Professor Dachauer has kindly offered to take the direction. Tixets, \$2 each, can be procured upon application to Mrs. John D. Town-send, Nn. 33 West Tairty-Jourth street, or to Mrs. D. D. Field, Gramercy Park Hotel. New Your, Feb. 11, 1875.

Rev. ALVAH WISWALL:—
DEAR SIR—I herewith subscribe the gross receipts of my well known restaurant. Nos. 91 and 97 Duane street, of Saturday, February 13, 1875, for the poor, three-fourths of it to go to the 'st. John's Guild and one-fourth to the "Deutscher Frauen Verein," in Hoboken.

CH. P. HOLTZ.

Also the following groceries:—Messrs. Stears, Caril & Gardner, 25 barrels of flour; Mrs. A. G. P., 10 barrels of potatoes, 2 barrels turnips and 1 barrel onions; members of the Produce Exchange, 15 barrels of flour, 1 barrel oon meal, 1 box cheese, 2 bams, 1 tierce codfish, beans, &c.

MUNICIPAL NOTES.

The Mayor and the Comptroller yesterday appointed the following gentlemen as directors for this city of the New York and Brooklyn Bridge Company for 1875:—Lawrence J. Turnure, of Moses Taylor & Co.; Jemes M. McLean, President of the Citizens' insurance Company and formerly President of the Board of Education; James M. Moltey, of the Manhattan Oil Company; Abram S. Hewitt, chairman of the Tammany Hall General Committee; John Riley, some years ago President of the Second Avenue Railroad Company; Lloyd Aspinwall, of Howland & Aspinwall; Charles J. Canda, who represents in this city the iron interests of William B. Ogden and William H. Barnum, of

ent law, and the couris denied the justice of their claims, what was left or them to do? It would be better to get a new law passed that would slence all doubts as to the legality of the payments. This was also the view taken by the Hon. Francis Kernan, whom he had consuited on the subject.

Mr. Brooks left convinced that the second clause of the eleventh section made all' the necessary provision for these payments. The clause was read by Mr. Brooks, and provides that this section shall not prevent any county, city, town or village from making such provisions for the aid and support of its poor as may be authorized by law.

Mr. Develin said the had conversed with the Hon. Francis Herann on the subject, and had understood into say that the constitutional amendments did not annut the existing laws.

Colonel Wingate ropited that if such was the case Mr. Rernan must have subsequently changed his mind.

Mr. Develin said this would be most peculiar, for at the time the Constitutional Convention was in session he showed Mr. Kernau that the very existence of these charitable institutions depended to the Board of Aldermen are to decide non a report to the Board of Aldermen are to decide non a examination into the

Committee of the Board of Aldermen are to decide upon a report to the Board instructing the Commissioners to make an examination into the afairs of the Finance Department.

The committee will meet to-day to hear any complaints against the Comptroller. The hearing is to take place at one P. M. sharp, in the room of the Brard of Aldermen.

The Mayor, it is said, will veto the ordinance passed by the Aldermen on Thursday authorizing the filling in of Coenties slip. It is alleged that the canal boat interests are against the "improvement" on the ground that if the slip is filled in there will be no real safe wharfage for the canal boats that bring flour and grain to the city.

The position of Keeper of the City Hall is to be abolished, and the care of the place given entirely to the police of the Twenty-sixth preemet.

There is considerable dissatisfaction with the Comptroller among the Aldermen on account of his delay in answering the resolution of inquiry into the condition of affairs in his department which was offered by Alderman Reilly some time ago. If he does not answer by the next meeting of the Board a resolution will be introduced demanding the reason why.

The Mayor is said to be heartily in favor of the Street Cleaning act, which the Aldermanic Committee on Streets recommends that the Legislaure should pass, and that there is good prospect of the but becoming a law, especially as the Police Board say they would like to get rid of the "ourden."

The Dock Commissioners' answer to the report

burden."
The Dock Commissioners' answer to the report of the Commissioners of Accounts, a copy of which was served upon them some weeks ago, has not yet been received by the Mavor. It is believed it will be handed in some day next week—probably Monday.

THE CUSTOM HOUSE.

Nothing especially new occurred at the above department of the government yesterday, but there is a charming sensation for the ladies this morning in the sale of the famous

WARDROBE OF MILE. LEONI,
which was attempted to be smuggled into this
port a short time since. The fair defrauder of the revenue now lies in Ludlow Street Jall and suffers a fine of \$2,000 for her bold attempt. Messrs. Burdett & Dennis, auctioneers, at No. 20 Burling slip, announce at public sale this morning, at twelve dett & Dennis, auctioneers, at No. 20 Burling slip, announce at public sale this morning, at twelve M., all the ravishing tollets, velvet, satin, slik and woolen dresses, and a periect arsenal of conterfy in the shape of embroidered night dresses, chemiseties, with lace trimmings; sacques, trimmed with choice Valenciennes and point d'Alençon; pieces of dress sliks, scarfs, six-button gloves, handkerchiefs, and every artistic desliga of costumier and haberdasher, which would enhance the charms of that sex already endowed by nature with a beauty too bewidering. The catalogue of the auctioneers—as if in deference to Murray Hill, many of whose lair daughters are said to be the promoters of the unfortunate French lady's snuggling scheme—is printed on the finest of paper and daintily sets forth such distracting novelties, as matelasse sacques, with sliver fox trimmings; fannel skirta, pink, while and blue, embroidered with feurs des Hs;

Bustle and Skirta, pink, while and blue, embroidered with feurs des Hs;

whatever the former mysterious word magnenal), lace sets of Valenciennes, point d'Alengo, berthas, trimmed with flowers; plum colored velvet hats, polonaise, with feather trimming; opera cloaks, in gold embroidery; Roman slik sashes, one piece Dugnesse lace, waists, Swiss ties, black siks (skirts en gros grafin), liusion,

pipty soxes of rices powdes, shawls, corsets, lace caps, velvet and lace col-

Swiss ties, black sizes (skirts en groe grain), iliusion.

PIPTY BOXES OF RICE POWDER, shawls, corsets, lace caps, veivet and lace colnrettes, hoods, de. It is supposed the fair but mysterious importers of these valuable articles will appear this morning at the United States Marsani's sale and buy in their dainty costumes through their brothers, cousins or next friends. It may also be mentioned for the benefit of matrons that even bady clothes are to be offered at the sale. At all events, it is presumed that the elegant dresses will be worn by those they fit the best, and it is really a pity that the Lenten season should interiere with their display at all. However, young New York can afford to want until after Easter to see their beautiful queens of society rendered more lovely by the creations of the homs of Lyons, even if a poor French woman languishes in Ludlow Street Jail, the victim of their vality.